

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RONALD R. COLSON,

Plaintiff,

-against-

COMMISSIONER ANTHONY J. ANNUCCI,  
ET AL.,

Defendants.

23-CV-0766 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated March 29, 2023, the Court directed Plaintiff to resubmit his complaint within 30 days because the complaint was typed with ink that is too light to read, and it is almost entirely illegible. That order specified that failure to comply would result in dismissal without prejudice of the complaint.<sup>1</sup> Plaintiff did not resubmit the complaint within the time allowed, or request an extension of time to do so.

Accordingly, the complaint, filed *in forma pauperis* under 28 U.S.C. § 1915(a)(1), is dismissed without prejudice pursuant to Rule 8 of the Federal Rules of Civil Procedure. If Plaintiff wishes to pursue the matter under this docket number, he can move to reopen within a reasonable time (1) upon submission of a legible complaint reasserting these claims; and (2) by showing good cause for failing to resubmit the complaint within the time allowed.<sup>2</sup>

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<sup>1</sup> For Plaintiff's benefit, the Court notes that the limitations period for a claim under 42 U.S.C. § 1983 is three years. The deadline generally begins to run when the plaintiff knew or should have known of the claims.

<sup>2</sup> A complaint filed while the plaintiff is a prisoner must comply with the Prison Litigation Reform Act, including (1) paying the filing fee in installments when proceeding IFP, 28 U.S.C. § 1915(b)(1); (2) exhausting prison grievance remedies for claims about prison life, 28 U.S.C. § 1997(e)(a); and (3) being disqualified from bringing new actions IFP as a prisoner after dismissal of three prisoner actions on the ground that the action is frivolous, malicious, or fails to state a claim on which relief can be granted, 28 U.S.C. § 1915(g).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: May 22, 2023  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge